

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Marilyn Jean Horan
Marilyn Jean Horan-Reeder

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Western District of Pennsylvania

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Court of Common Pleas of Butler County
Butler County Government Center
124 West Diamond Street
Butler, Pennsylvania 16001

4. **Birthplace:** State year and place of birth.

1954; Butler, Pennsylvania

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, University of Pittsburgh School of Law; J.D., 1979
1972 – 1976, Pennsylvania State University; B.S. (*magna cum laude*), 1976

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1996 – Present
Court of Common Pleas of Butler County
Butler County Government Center
124 West Diamond Street

Butler, Pennsylvania 16001
Common Pleas Court Judge

1979 – 1996
Murrin, Taylor, Flach and Horan (formerly Murrin, Murrin & Taylor)
110 East Diamond Street
Butler, Pennsylvania 16001
Law Firm Partner (1982 – 1996)
Associate Attorney (1979 – 1982)

Summer 1977; Summer 1978
Neighborhood Legal Services Association
220 South Main Street
Butler, Pennsylvania 16001
Summer Intern

Summer 1976
Butler Armco Employees Association
One Armco Drive
Butler, Pennsylvania 16001
Lifeguard

Other Affiliations (uncompensated unless otherwise indicated):

2008 – Present
University of Pittsburgh
Law Alumni Association Board of Governors
3900 Forbes Avenue
Pittsburgh, Pennsylvania 15260
Board Member

2005 – Present
Community Health Clinic of Butler County
103 Bonnie Drive
Butler, Pennsylvania 16002
Board Member

2005 – Present
Butler County Emergency Relief Initiative Oversight Committee
c/o United Way of Butler County
184 Pittsburgh Road
Butler, Pennsylvania 16001
Secretary (2005 – Present)

1992 – Present
DPP Management

110 East Diamond Street
Butler, Pennsylvania 16001
Partner (25% Partner share)

2008 – 2014
Young Men's Christian Association
Board of Managers
339 North Washington Street
Butler, Pennsylvania 16001
Board Member

2003 – 2007
Center for Community Resources
121 Sunnyview Circle
Suite 131
Butler, Pennsylvania 16001
Board Member

2005
Pennsylvania Juvenile Court Judges' Commission
601 Commonwealth Avenue
Harrisburg, Pennsylvania 17106
Pennsylvania Supreme Court Appointment
Secretary

2000 – 2004
Pennsylvania Judicial Conduct Board
601 Commonwealth Avenue
Suite 3500
Harrisburg, Pennsylvania 17120
Board Member (2000 – 2004)
Chair (2002 – 2004)
Vice-Chair (2004)

2001 – 2004
Criminal Justice Advisory Board
Butler County Government Center
124 West Diamond Street
Butler, Pennsylvania 16001
Board Member

1984, 1986, 1987
Soroptimist International of Butler County
No Physical Address
President (approximately 1987)
Vice President (approximately 1986)

Secretary (approximately 1984)

1980 – 1986

American Cancer Society
No Physical Address in Butler
Board Member

1982 – 1985

Butler County Head Start Policy Council
139 Rieger Road
Butler, Pennsylvania 16001
Council Member

1981 – 1984

Young Women's Christian Association Board of Trustees
120 West Cunningham Street
Butler, Pennsylvania 16001
Trustee

1980 – 1984

Butler County Bar Association
240 South Main Street
Butler, Pennsylvania 16001
Secretary

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

None.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

AK Steel Foundation, Middletown Community Foundation – Steel Magnolia Award
(2014)

Pennsylvania Bar Association – Anne X. Alpern Award (2014)

Boy Scouts of America, Moraine Trails Council, Distinguished Citizen Award (2012)

Pennsylvania Bar Association Pro Bono Award (2012)

Kids Day America, Children's Empowerment Award (2010)

National Parent's Day Foundation, Washington, DC – Parents of the Year for Butler
County (1999, 2005 and 2007)

Women's Bar Association of Western Pennsylvania – Susan B. Anthony Award (2006)

Juvenile Court Judges' Commission – Outstanding Service Award (2005)

Judicial Conduct Board of Pennsylvania – Special Recognition for Service and Leadership (2004)
Butler County Criminal Justice Advisory Board – Special Recognition for Leadership (2004)
Pennsylvania Conference of State Trial Judges – President’s Award (2004)
Soroptimist International of the Americas – Woman of Distinction Award (1998)
Hestia Award – Outstanding Woman Service Award (1996)
Phi Mu Foundation Academic Scholarship (1979)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
Butler County Bar Association
Secretary (1980 – 1984)
Local Rules Committee (1984 – 1995)
Chair of Continuing Legal Education Committee (1985 – 1996)
International Association of Women Judges (2003 – 2004)
National Council of Juvenile and Family Court Judges (1997 – 2006)
Pennsylvania Bar Association
Judicial Administration Committee (2006 – 2011)
Commission on Women in the Profession (2014 – Present)
Pennsylvania Conference of State Trial Judges
Education Committee (2009 – Present)
Pennsylvania Judicial Conduct Board (2000 – 2004)
Chair (2002 – 2004)
Vice-Chair (2004)
Pennsylvania Juvenile Court Judges’ Commission (1997 – 2005)
Secretary (2005) (Pennsylvania Supreme Court Appointment)
University of Pittsburgh, Law Alumni Association Board of Governors (2008 – Present)
Women’s Bar Association of Western Pennsylvania, Judicial Committee (1997 – 2010)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Pennsylvania, 1979

There was no lapse in the above membership; however, when I became a judge in 1996, my status changed to inactive.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require

special admission to practice.

United States District Court for the Western District of Pennsylvania, 1979
Pennsylvania Supreme Court, 1979

There have been no lapses in the above memberships.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Cancer Society, Board Member (1980 – 1986)

Butler Catholic School, Parent Committees (1994 – 2008)

Butler County Emergency Relief Initiative Oversight Committee (2005 – Present)
Secretary (2005 – Present)

Butler County Head Start Policy Council (1982 – 1985)

Center for Community Resources, Board Member (2003 – 2007)

Community Health Assessment Council (1994 – 1997)

Community Health Clinic of Butler County, Board Member (2005 – Present)

Criminal Justice Advisory Board (2001 – 2004)

DPP Management (1992 – Present)
Partner (1992 – Present)

Soroptimist International of Butler County (1980 – 1988)
President (approximately 1987)
Vice President (approximately 1986)
Secretary (approximately 1984)
Delegate to National Convention (1982)

Women United, Women's Leadership Initiative, United Way (2009 – Present)

Young Men's Christian Association, Board of Managers (2008 – 2014)

Young Women's Christian Association, Board of Trustees (1980 – 1984)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Remarks, "A Tribute to our Honorable Alumni," Neighborhood Legal Services Association, 2011. Copy supplied.

In 2007, for my retention campaign, I had a website. It was created by a web designer and was operational for about six months. There was very little content. I have searched through my records, and I do not have any information about the site content or address, nor do I recall, or have record of, the name of the web designer who set it up.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

In 2014, I wrote a letter to the Butler County Bar Association providing the Credit Conciliation program results and requesting pro bono participation. Copy supplied.

On June 1, 2009, I wrote a memorandum concerning results from a survey of Pennsylvania County President Judges on the topic of mortgage foreclosure diversion programs. This survey was a part of the planning process for a state

trial judges' education program reviewing diversionary program development. I was a participant in that education seminar as both a presenter and program planner. Copy supplied.

In 2006, a letter was drafted concerning Chief Justice Cappy's position concerning a controversial judicial pay raise. I did not have any role in drafting or editing the letter, but I am listed as a signatory, as a former Judicial Conduct Board Chair. A copy published in the York Dispatch dated March 7, 2006 is supplied.

When I was the chair of the Judicial Conduct Board, I wrote a letter, dated February 1, 2004, for inclusion in the 2003 Annual Report. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

In 2011 or 2012, I responded to a questionnaire by the Young Lawyers Division of the Allegheny County Bar Association, which was published in the Western Pennsylvania Court of Common Pleas Judges Book. Copy supplied.

Letter to Mr. David Callen, Committee on Commerce, June 2, 2009, regarding a legislative hearing about Senate Bill 1042. Copy supplied.

In 2002, when I sought endorsement from the state Republican Party to pursue a 2003 candidacy for the Pennsylvania Superior Court, I completed a Pennsylvania Bar Association Judicial Evaluation questionnaire. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the public speeches, talks and remarks that I have delivered. To compile the list, I consulted my own files and Internet sources. There may, however have been speeches, talks or remarks that I have been unable to recall or identify, and I have occasionally spoken at informal events for which I did not retain any record.

July 2015: Introducer, The Sandwich Generation, Pennsylvania Conference of

State Trial Judges, Hershey, Pennsylvania. I introduced the program speakers and spoke about my personal experience providing long-term care for my elderly mother, post-stroke, to provide a backdrop for the program speakers on the topic of caregiver support and access to services in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

April 19, 2005; April 22, 2009; April 20, 2010; April 27, 2011; April 25, 2012; April 24, 2013; April 23, 2014; April 24, 2015: Panelist, Annual Symposium on Civil Trial Practice in Western Pennsylvania, Academy of Trial Lawyers of Allegheny County, Pittsburgh, Pennsylvania. Handouts from 2013, 2014, and 2015 are supplied.

July 14, 2009 and March 25, 2015: Speaker, Credit Crunch Primer, Butler County Bar Association, Butler, Pennsylvania. I gave remarks about the Credit Crunch program in Butler County. I have no notes, transcript, or recording. The address of the Butler County Bar Association is 240 South Main Street, Butler, Pennsylvania 16001.

March 20, 2015: Speaker, Advocacy in Pretrial Motions, Trial Advocacy Program, Academy of Trial Lawyers of Allegheny County, Pittsburgh, Pennsylvania. I gave remarks on drafting successful motions to dismiss and preliminary objections. I have no notes, transcript, or recording. The address of the Academy of Trial Lawyers of Allegheny County is Post Office Box 14744, Pittsburgh, Pennsylvania 15234.

January 9, 2015: Panelist, Coffee with the Judges – Disciplinary System, Butler County Bar Association, Butler, Pennsylvania. I participated in a program addressing the local attorney disciplinary system. I have no notes, transcript, or recording. The address of the Butler County Bar Association is 240 South Main Street, Butler, Pennsylvania 16001.

May 30, 2008; June 12, 2009; September 10, 2010; September 7, 2012; September 6, 2013; September 5, 2014: Speaker, Bench/Bar Presentation, Butler County Bar Association, Butler, Pennsylvania. I participated in a program addressing practice tips and local civil rules. I have no notes, transcript, or recording. The address of the Butler County Bar Association is 240 South Main Street, Butler, Pennsylvania 16001.

May 15, 2014: Speaker, Louis J. Goffman Award Acceptance Speech, Butler County Bar Association, Pennsylvania Bar Association, Hershey, Pennsylvania. Notes supplied.

May 14, 2014: Speaker, Anne X. Alpern Award Acceptance Speech, Pennsylvania Bar Association, Hershey, Pennsylvania. Notes supplied.

January 2014: Group Discussion Leader, New Judges School, Pennsylvania Conference of State Trial Judges, Harrisburg, Pennsylvania. I participated in a seminar for new judges. I have no notes, transcript, or recording. The address for the Pennsylvania Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

August 3, 2012: Keynote Speaker, Powerful Connections for Women Conference, Slippery Rock University, Butler Health System, Butler County Chamber of Commerce, and Women United, Slippery Rock, Pennsylvania. Notes supplied.

June 20, 2012: Speaker, Youth and Government Program, Young Men's Christian Association, Butler, Pennsylvania. My presentation for high school students concerned discussion about the court, our judicial branch of government and legal careers. I have no notes, transcript or recording, but press coverage is supplied. The address for Butler Young Men's Christian Association is 339 North Washington Street, Butler, Pennsylvania, 16001.

June 6, 2012: Speaker, 18th Annual Scholarship Awards Luncheon, Butler County Housing Authority, Butler, Pennsylvania. I congratulated those receiving awards and encouraged participants to continue to achieve and overcome obstacles to success. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Butler County Housing Authority is 114 Woody Drive, Butler, Pennsylvania 16001.

May 31, 2012: Speaker, Distinguished Citizen Award Acceptance Speech, Boy Scouts of America, Moraine Trails Council, Butler, Pennsylvania. Notes supplied.

May 4, 2012: Speaker, Youth Mentor Program Welcoming Speech, Women United and United Way of Butler County, Butler, Pennsylvania. Notes supplied.

June 8, 2011: Speaker, John Brydon Tribute, Butler County Bar Association, Butler, Pennsylvania. I made extemporaneous remarks at this event honoring the work of former judge and district attorney John Brydon. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Butler County Bar Association is 240 South Main Street, Butler, Pennsylvania 16001.

February 2010: Speaker, Avoiding the Fifth Continuance: Ideas in Efficient Case Management, Pennsylvania Conference of State Trial Judges, Philadelphia, Pennsylvania. This presentation concerned judicial courtroom and caseload management. I have no notes, transcript, or recording. The address for the Pennsylvania Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

July 18, 2009: Faculty Speaker, A Judicial Response to the Debtors' Crisis,

Pennsylvania Conference of State Trial Judges, Harrisburg, Pennsylvania. I participated in a seminar on the courts' responses to the debtors' crisis in Pennsylvania. I have no notes, transcript, or recording, but a copy of the accompanying President Judge Survey Report is supplied in response to Q12b. The address for the Pennsylvania Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

June 9, 2009: Keynote Speaker, Butler Leaders of Tomorrow, Embarq, Cranberry, Pennsylvania. The topic for my comments concerned motivational issues for high school awardees. I have no notes, transcript or recording. The address for Embarq is 218 South Washington Street, Butler, Pennsylvania 16001.

May 3, 2008: Keynote Speaker, Empowering Women in Society, State Convention, General Federation of Women's Clubs, Cranberry, Pennsylvania. The speech addressed the stages of my career and encouragement for women generally. I have no notes, transcripts or recording. The local address for General Federation of Women's Clubs, Butler, is c/o Butler Public Library, 218 North McKean Street, Butler, Pennsylvania 16001.

April 20, 2008: Keynote Speaker, Friendship Luncheon, Visiting Nurses Association-Hospice, Butler, Pennsylvania. Notes supplied.

February 2008: Faculty Speaker, The Judicial Response to the Incompetent Lawyer, Pennsylvania Conference of State Trial Judges, Harrisburg, Pennsylvania. I participated in a seminar on courtroom management. I have no notes, transcript, or recording. The address for the Pennsylvania Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

January 4, 2008: Speaker, Judicial Installation, Butler, Pennsylvania. I made brief remarks recognizing outgoing Judge George Hancher. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Court of Common Pleas of Butler County is Butler County Government Center, 124 West Diamond Street, Butler, Pennsylvania 16001.

June 21, 2007: Panelist, Judicial Independence and Retention Elections, Pennsylvania Bar Association Annual Meeting, Pennsylvania Bar Institute, Philadelphia, Pennsylvania. I gave remarks as part of a panel on judicial independence and retention elections. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

February 21, 2006: Speaker, Susan B. Anthony Award event, Women's Bar Association of Western Pennsylvania, Pittsburgh, Pennsylvania. Notes supplied.

October 4, 2005: Speaker, Community Service Recognition Banquet, Butler County Juvenile Court Services, Butler, Pennsylvania. I emphasized the importance of the work of the juvenile court and its practitioners. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Butler County Juvenile Court Services is County Government Center, 124 West Diamond Street, Butler, Pennsylvania 16003.

October 6, 1998: Speaker, Welcoming Comments, Volunteer Recognition Ceremonies, Juvenile Court Services, Butler, Pennsylvania. Notes supplied.

1998: Speaker, Woman of Distinction Award event, Soroptimist International of the Americas, Butler, Pennsylvania. I had not been previously informed that I would be receiving the award until the time of its presentation. As such, my remarks were very brief and merely extended my appreciation to the group for their recognition. I have no notes, transcript or recording. The address for Soroptimist International of the Americas, Butler Chapter, is c/o Butler Public Library, 218 North McKean Street, Butler, Pennsylvania 16001.

June 7, 1996: Speaker, Judicial Installation, Court of Common Pleas of Butler County, Butler, Pennsylvania. Notes supplied.

Approximately 1991 and 1993: Speaker, Family Law in Western Pennsylvania, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I served as a speaker in a seminar on family law. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

During my campaign for election in 1997 and for retention in 2007, I appeared at several general candidate forums. I would have given brief remarks at these events regarding my qualifications, along with other candidates running for various other offices. I had no opposition in either election. I did not sponsor or hold any campaign events focused upon my candidacy for either election. I have no records of any of the events from these campaigns. After searching my files and the Internet, I am unable to provide any additional details regarding these campaign events.

I also served as the program coordinator for the following programs by the Pennsylvania Conference of State Trial Judges: Hot Button Issues in Real Estate Law (February 2011); Diversity and Non Discrimination in the Workforce of Pennsylvania Courts (July 2011); Fit, Frye and Forensics (July 2012); In the Crosshairs of Judicial Discipline Procedures (February 2013); Medical Malpractice (July 2013); Concussion Injuries: The Myths, the Science and the Clinical Experience (February 2015); and Elder Justice in the Courts – The Elder Law Task Force’s Report and Recommendations (July 2015). If I spoke at these programs, it would have been only to introduce the program or the speakers. I have no notes, transcripts, or recordings. The address for the Pennsylvania

Conference of State Trial Judges is Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, Pennsylvania 17106.

I also made presentations for the Allegheny County Bar Association. I have no record of the dates or topics for these presentations. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

In August 2012, and continuing through the present, I have participated, as either a presenter or as a coordinator, in young lawyer mentoring programing for Butler County. The program was originally titled Introduction to Lawyering and then changed to Coffee with the Bar. It is now sponsored and coordinated by the Butler County Bar Association. I have spoken on topics of court procedure and substantive law issues of particular concern to newer lawyers. I have no notes or transcripts of my presentations for these programs. The address for the Butler County Bar Association is 240 South Main Street, Butler, Pennsylvania 16001.

In addition to the above, I have spoken at many events for various community and professional functions, including schools, Boy and Girl Scout events, Eagle Scout and Gold Award ceremonies, and community functions. I have also spoken as a guest lecturer for classes at Slippery Rock University and Butler County Community College covering various law and leadership topics. I have not kept a record of such occasion, and I have no notes, transcripts, or recordings.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Jodi Weigand, *State Bar to Honor Local Judge*, PITTSBURGH TRIBUNE-REVIEW, May 11, 2014 at A3. Copy supplied.

Jodi Weigand, *County's First Female Judge to Receive Award*, PITTSBURGH TRIBUNE-REVIEW, May 11, 2014 at 1. Copy supplied.

Kim Paskorz, *Forging Ahead: Judge Horan's Way of Life*, BUTLER EAGLE, Apr. 18, 2014. Copy supplied.

Bill Vidonic, *Newsmaker: Marilyn J. Horan*, PITTSBURGH TRIBUNE-REVIEW, Apr. 9, 2014. Copy supplied.

Bill Vidonic, *Butler County Program Can Put Foreclosures on Hold*, PITTSBURGH TRIBUNE REVIEW, Jan. 25, 2014. Copy supplied.

Boy Scouts Honor Judge Horan, BC3, BUTLER EAGLE, June 6, 2012 at 24. Copy supplied.

Eric Freehling, *Judge, BC3 to Be Honored by Boy Scouts*, BUTLER EAGLE, May 6, 2012 at A2. Copy supplied.

Kim Paskorz, *Credit Crunch Help Offered*, BUTLER EAGLE, Jan. 10, 2011 at 1. Copy supplied.

Chris Foreman, *Debtors, Creditors Try Mediation*, PITTSBURGH TRIBUNE-REVIEW, Nov. 14, 2010 at C1. Copy supplied.

Radio broadcast, October 7, 2010. I spoke about the Butler County Consumer Credit and Mortgage Foreclosure Diversion Program. I have no notes, transcript or recording.

Karen Kane, *Judge Offers Program to Help Debtors*, PITTSBURGH POST-GAZETTE, June 10, 2010. Copy supplied (reprinted in multiple outlets).

Richard Robbins, *Free Help Offered to Recession Victims*, TRIBUNE-REVIEW (Greensburg, PA), Aug. 9, 2009. Copy supplied.

Kim Paskorz, *Judge Retires for Diocese Position*, BUTLER EAGLE, June 9, 2009. Copy supplied.

Kim Paskorz, *Streib Eager to Be Next County Judge – She Will Handle Family Court*, BUTLER EAGLE, Dec. 16, 2007. Copy supplied.

Karen Kane, *Common Pleas Judge George Hancher Retiring*, PITTSBURGH POST-GAZETTE, Dec. 16, 2007 at N1. Copy supplied.

Karen Kane, *Butler County District Judge Joins Common Pleas Court*, PITTSBURGH POST-GAZETTE, Nov. 8, 2007 at N6. Copy supplied.

Alisha Hipwell, *Obituary, William C. Robinson*, PITTSBURGH POST-GAZETTE, Sept. 2, 2007 at N2. Copy supplied.

Kim Paskorz, *Horan Will Seek New Term as Judge*, BUTLER EAGLE, Jan. 16, 2007 at 1. Copy supplied.

Karen Kane, *She Helps in Difficult Times*, PITTSBURGH POST-GAZETTE, June 4, 2006 at N4. Copy supplied.

Joan Greene, *Judge to Receive Susan B. Anthony Award*, PITTSBURGH TRIBUNE-REVIEW, Feb. 16, 2006. Copy supplied.

Judge Marilyn Horan Honored with Susan B. Anthony Award, BUTLER EAGLE, Jan. 29, 2006 at D5. Copy supplied.

Karen Kane, *Judge Horan to Be Honored by Women's Bar Association*, PITTSBURGH POST-GAZETTE, Jan. 22, 2006 at N-1. Copy supplied.

Karen Kane, *County Officials Take Office; Former DA Becomes Judge*, PITTSBURGH POST-GAZETTE, Jan. 5, 2006. Copy supplied.

Jason Cato, *Newsmaker: Judge Marilyn J. Horan*, PITTSBURGH TRIBUNE REVIEW, Dec. 9, 2005. Copy supplied.

Shelby Schwartz, *The Judge as 'Gatekeeper'*, PENNSYLVANIA LAW WEEKLY, Nov. 15, 2004 at 27. Copy supplied.

Karen Kane, *Horan Honored as State's Outstanding Jurist*, PITTSBURGH POST-GAZETTE, Aug. 22, 2004 at N-4. Copy supplied.

Karen Kane, *All Rise Judges Coming to Town*, PITTSBURGH POST-GAZETTE, Mar. 24, 2004 at N1. Copy supplied.

Brandon Keat, *Area Judge Helping Out with Juvenile Justice*, PITTSBURGH TRIBUNE-REVIEW, Oct. 24, 2002. Copy supplied.

Karen Kane, *Judge Tries One-Day, One-Trial Jury System*, PITTSBURGH POST-GAZETTE, May 19, 2002 at N5. Copy supplied.

Daisy Chang, *Judicial Conduct Board Names New Chief Counsel*, PENNSYLVANIA LAW WEEKLY, March 4, 2002. Copy supplied.

Michael Trego, *Horan Named to Panel*, BUTLER EAGLE, Aug. 25, 2000 at 1. Copy supplied.

Michael Trego, *Judge Sits on Juvenile Panel*, BUTLER EAGLE, Sept. 5, 1999 at 6. Copy supplied.

Alumni Profile – Marilyn Horan, PENN STATE COLLEGE OF HEALTH & HUMAN DEVELOPMENT NEWS, Winter 1997, Vol. 10 #2. Copy supplied.

Karen Kane, *Judge Helps Make Life Liveable After Divorce*, PITTSBURGH POST-GAZETTE, Oct. 8, 1997. Copy supplied.

Candidate Listing, PITTSBURGH POST-GAZETTE, May 13, 1997. Copy supplied.

Kelley McFadden, *Judge First to Receive Award for Women*, BUTLER EAGLE, Oct. 28, 1996. Copy supplied.

Scott Dellett, *Judgeship Is About Justice, Not Gender*, BUTLER EAGLE, June 1996

at 1. Copy supplied.

Scott Dellett, *New Judge Ready for the Bench*, BUTLER EAGLE, June 1996. Copy supplied.

Karen Kane, *New Butler Judges Confirmed by Senate*, PITTSBURGH POST-GAZETTE, May 15, 1996 at B6. Copy supplied.

Karen Kane, *Ridge Nominates Two to Bench*, PITTSBURGH POST-GAZETTE, Apr. 3, 1996 at N-1. Copy supplied.

WISR/WBUT – I have been a guest speaker for several public information, law-related, radio broadcasts during my legal and judicial careers. I have no notes, transcripts or recordings. The address for WISR/WBUT is 252 Pillow Street, Butler, Pennsylvania 16001.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 1996 to present, I have served on the Court of Common Pleas of Butler County, Pennsylvania. I was appointed by Governor Ridge in June 1996. I was elected for a ten-year term in a general election in November 1997. I was reelected in a retention election for another ten-year term in November 2007. The Court of Common Pleas is a court of general jurisdiction. It decides all major criminal and civil cases; hears appeals from the courts of limited jurisdiction, and municipal and administrative appeals; and decides matters involving children, families and estates.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have not maintained a tabulation of my cases that have gone to verdict or judgment. I have been presiding on a full-time basis for over 19 years, and I can conservatively represent that the total number exceeds one thousand. This estimate includes family court trials, involving juvenile, divorce, support, custody, and civil and criminal trials. This estimate does not include the multitude of opinions issued for suppression hearings, preliminary objections, motions for summary judgment, sentencing decisions, and administrative appeals.

- i. Of these, approximately what percent were:

jury trials:	40%
bench trials:	60%
civil proceedings:	75%
criminal proceedings:	25%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Crawford v. Makozy, AD No. 12-22108, 2013 WL 10543452 (Pa. Com. Pl. Dec. 23, 2013); 2014 WL 8774083 (Pa. Com. Pl. Mar. 25, 2014)

Risch Jr. v. Risch Sr., No. 201310219, 2014 WL 8727907 (Pa. Com. Pl. Mar. 25, 2014)

Aubrey v. Santora, AD No. 10-10640, CP No. 09-20164, 2013 WL 9770380 (Pa. Com. Pl. Aug. 12, 2013)

Miller v. Lowe's, No. 11-11378, 2013 WL 9829554 (Pa. Com. Pl. Apr. 18, 2013)

Dillon McCandless King Coulter & Graham v. Rupert, No. 12-10019, 2012 WL 9500582 (Pa. Com. Pl. Sept. 25, 2012) & 2012 WL 9500577 (Pa. Com. Pl. Oct. 30, 2012); *vacated and remanded*, 81 A.3d 912 (Pa. Super. Ct. 2013)

In re L&S IBC, LLC, No. 11-40270, 2012 WL 7748956 (Pa. Com. Pl. Mar. 29, 2012)

PMF Rentals v. Lally, Lally & Co., No. 07-10735, 2011 WL 4344704 (Pa. Com. Pl. Aug. 22, 2011)

Mars Area School Dist. v. Mars Area Educ. Ass'n, No. 10-40336, 2011 WL 7568468 (Pa. Com. Pl. Apr. 19, 2011)

Ambrose v. Smith, No. 10-10572, 2010 WL 6571564 (Pa. Com. Pl. Oct. 27, 2010)

Ja-mag Const., Co. v. Finke, No. 09-10472, 2010 WL 6407537 (Pa. Com. Pl. Aug. 12, 2010)

Bortnick Const., Inc. v. Allegheny Crane Rental, Inc., No. 07-10459, 2010 WL 6407536 (Pa. Com. Pl. Apr. 16, 2010)

Reott v. Asia Trends, Inc., No. 06-11440, 2009 WL 7165841 (Pa. Com. Pl. Dec. 14, 2009) and 2009 WL 7165842 (Pa. Com. Pl. Aug. 21, 2009)

Baptiste v. Strobel, No. 09-11444, 2009 WL 3793590 (Pa. Com. Pl. Nov. 5, 2009)

Beck v. Butler Anesthesia Associates, Inc., No. 08-10130, 2008 WL 7889745 (Pa. Com. Pl. Oct. 9, 2008) and No. 08-10130, 2009 WL 6574656 (Pa. Com. Pl.

July 13, 2009)

Valentine v. The Woodmont Co., No. 05-10200, 2009 WL 6458047 (Pa. Com. Pl. Mar. 31, 2009)

Milich v. Anchor Packing Co., No. 08-10532, 2009 WL 6355538 (Pa. Com. Pl. Mar. 16, 2009)

Betz v. Taylored Indust., No. AD 07-10597, 2008 WL 8161605 (Pa. Com. Pl. Sept. 17, 2008)

Krebs v. United Refining Co., No. 97-10236, 2006 WL 5540950 (Pa. Com. Pl. Dec. 5, 2006); 2007 WL 5090661 (Pa. Com. Pl. Jan. 30, 2007) and 2008 WL 7291986 (Pa. Com. Pl. May 29, 2008)

Rogerson v. Steffen, No. 05-10518, 2007 WL 7001700 (Pa. Com. Pl. Nov. 5, 2007)

Dahl v. Ameriquet Mortg. Co., No. AD 01-10951, 2005 WL 6220070 (Pa. Com. Pl. July 27, 2005); 2005 WL 6220071 (Pa. Com. Pl. July 27, 2005); 2006 WL 6130898 (Pa. Com. Pl. Sept. 5, 2006)

Dillaman v. Allied Grove Corp., No. 06-11193, 2007 WL 7119813 (Pa. Com. Pl. Aug. 8, 2007)

Weiland v. State Farm Ins. Co., No. 04-11228, 2007 WL 6999328 (Pa. Com. Pl. Apr. 3, 2007) and 2007 WL 6999329 (Pa. Com. Pl. July 24, 2007)

Craig v. Harold Friedman, Inc., No. 05-11068, 2007 WL 5090659 (Pa. Com. Pl. May 8, 2007)

Kendall v. Metz, No. 00-11156, 2006 WL 4756475 (Pa. Com. Pl. May 23, 2006); 2006 WL 4756476 (Pa. Com. Pl. Jun. 15, 2006); and 2006 WL 4756477 (Pa. Com. Pl. Jun. 21, 2006)

Fastuca v. Molnar, No. 05-10484, 2006 WL 4756486 (Pa. Com. Pl. Mar. 29, 2006); 2006 WL 4756487 (Pa. Com. Pl. May 16, 2006)

Borough of Zelienople v. Houlihan, No. 03-10287, 2006 WL 2883375 (Pa. Com. Pl. May 12, 2006)

Leitem v. Tri-State Orthopedics, No. 03-10239, 2005 WL 5747791 (Pa. Com. Pl. Dec. 20, 2005)

King v. Butler Memorial Hospital, No. 98-11104, 2005 WL 5006546 (Pa. Com. Pl. Dec. 20, 2005)

Toubakaris v. Hamby, No. 99-10736, 2005 WL 6720430 (Pa. Com. Pl. Dec. 8, 2005)

Buffalo Associates, Inc. v. Holloway, Nos. 96-10695, A.D. 97-10017, E.Q. 97-50062, 2005 WL 6216523 (Pa. Com. Pl. Sept. 1, 2005); 2005 WL 6216524 (Pa. Com. Pl. Nov. 2, 2005)

Lipinski v. Beazer East Inc., 76 Pa. D&C 4th 479 (Pa. Com. Pl. Oct. 18, 2005), *aff'd*, 909 A.2d 896 (Pa. Super. Ct. Aug. 2, 2006)

Judd v. Dumbaugh, No. 02-11083, 2005 WL 5394806 (Pa. Com. Pl. July 28, 2005)

Nicklas v. Plumbing, No. 03-10086, 2005 WL 6717922 (Pa. Com. Pl. Jan. 14, 2005)

Griffith v. Kirsch, No. 02-50058, 2004 WL 5175434 (Pa. Com. Pl. Jun. 28, 2004); 2004 WL 5175425 (Pa. Com. Pl. Jun. 28, 2004); 2004 WL 5175426 (Pa. Com. Pl. Dec. 8, 2004)

Hawk v. Butler Township Zoning Hearing Board, No. A.D. 97-10949, 2004 WL 5049955 (Pa. Com. Pl. May 10, 2004); 2004 WL 5049956 (Pa. Com. Pl. Jun. 25, 2004); 2004 WL 5049957 (Pa. Com. Pl. July 19, 2004)

Uber v. Slippery Rock University, No. 01-10085, 2004 WL 5047254 (Pa. Com. Pl. May 13, 2004)

Wiles v. Patel, No. 99-11015, 2003 WL 25429467 (Pa. Com. Pl. Feb. 14, 2003)

Reeder v. Mercer Lime and Stone Co., No. 02-10174, 2002 WL 34102905 (Pa. Com. Pl. Dec. 23, 2002); 2002 WL 34102915 (Pa. Com. Pl. Dec. 24, 2002); 2003 WL 25429176 (Pa. Com. Pl. Feb. 6, 2003)

Nading v. Boice, 61 Pa. D. & C. 4th 353 (Feb. 3, 2003)

Patton v. Madden, No. 00-10259, 2002 WL 34098061 (Pa. Com. Pl. May 13, 2002)

Rossi v. Fuchs, 59 Pa. D & C. 4th 307 (Mar. 7, 2002)

Wiest v. Foster, No. 01-10930, 2002 WL 34682551 (Pa. Com. Pl. Feb. 12, 2002)

Criss v. Bloom, No. 00-10486, 2001 WL 35927957 (Pa. Com. Pl. Sept. 7, 2001); 2002 WL 34102859 (Pa. Com. Pl. Jan. 7, 2002)

Commonwealth v. Morrison, No. 00-1-1234, 2001 WL 36125880 (Pa. Com. Pl. Oct. 23, 2001)

Slupe v. Erdos, No. 01-50014, 2001 WL 35952595 (Pa. Com. Pl. Sept. 5, 2001) and 2001 WL 35954996 (Pa. Com. Pl. Sept. 6, 2001)

Davis v. II-VI Inc., 53 Pa. D. & C. 4th 513 (Jan. 31, 2001)

Carlino v. Bartley, Nos. 98-10902 & 98-10422, 2000 WL 35905420 (Pa. Com. Pl. Sept. 12, 2000)

Cumberland v. Owens-Corning Fiberglas Corp., 49 Pa. D. & C. 4th 152 (Feb. 7, 2000)

Reed v. Shay, No. 95-10766, 2000 WL 35522734 (Pa. Com. Pl. May 8, 2000)

Nothdurft v. Knab, 55 Pa. D. & C. 4th 572 (June 21, 1999)

PennDOT v. Graham, 44 Pa. D. & C. 4th 284 (June 4, 1999)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Betz v. Taylored Indus.*, Case No. AD 07-10597 (Sept. 17, 2008), *aff'd*, 23 A.3d 567 (Pa. Super. Ct. 2010), and related asbestos cases.

In *Betz v. Taylored Industries*, I issued an opinion granting summary judgment for the defendant in an asbestos action. Opinion supplied. The opinion was appealed to the superior court. The issue on appeal was my grant of defendant Hamilton's motion for summary judgment. The plaintiff sought to use hearsay evidence to support its product identification burden. I held the evidence inadmissible, therefore plaintiff could not place this defendant's product in the workplace. The Pennsylvania Superior Court affirmed in an unpublished opinion. All remaining defendants have settled with plaintiff.

This case is representative of my presiding over the entire asbestos docket for Butler County since 1996. Initially, this involved assumption of the backlog of cases that had been pending in various stages of litigation. I organized, developed and implemented a plan to resolve the entire backlog within 18 months. Since then, the docket has remained current. Cases are efficiently processed with active judicial supervision and prompt court decisions.

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2. *Butterfield v. South China Tire and Rubber Co.*, Case No. AD 09-11593 (2011).

This was a product liability death case that involved an allegedly defective commercial tire. There were numerous rulings on issues, including Hague Convention service of process, discovery, preservation of evidence and scientific expert testimony. Case development was complex, and involved much judicial management. The case eventually settled prior to trial. The April 8, 2010 opinion concerns sufficiency of pleadings regarding warranty and punitive damages. The June 17, 2011 opinion primarily disposed of issues of original service on a Chinese corporation in conjunction with a statute of limitations defense. Opinions, April 8, 2010 and June 17, 2011, are supplied.

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3. *Commonwealth v. White*, Case No. CA 1-1435 (Dec. 10, 1999).

This was a challenging first-degree murder and abuse of corpse trial and sentencing. The defendant and victim were son and father. The son shot the father and then, with the help of a friend, removed the body to a remote, wooded location. The victim's and defendant's family members were the same, and provided significant input at time of sentencing. The defendant received mandatory life without parole. Opinion supplied.

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4. *Commonwealth v. Zmijowski*, Case No. CA 1472 (May 19, 2003).

This was a writ of habeas corpus case concerning a Pennsylvania statute, 18

Pa. C.S.A. § 2506 (drug delivery resulting in death). The defense challenged the law as unconstitutionally vague for its failure to specifically define the mens rea for the offense. I held that the law was not unconstitutionally vague. Opinion supplied. The opinion addressed issues of legislative intent, statutory construction and constitutional analysis. The charge of drug delivery resulting in death was changed by plea agreement to involuntary manslaughter. There was no appeal of my ruling on the constitutional issue involved.

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5. *Company Image Knitware, Ltd. v. Mothers Work, Inc.*, Case No. AD 02-10598 (2005), *aff'd*, 909 A.2d 324 (Pa. Super. Ct. Sept. 28, 2006).

This was a non-jury trial involving breach of contract in international commercial transactions. Plaintiff was a foreign clothing manufacturer that contracted to produce maternity clothing for defendant. Issues concerning contract formation, interpretation and performance were complex. The July 1, 2005 opinion and decision disposed of the non-jury trial with findings of fact and conclusions, resulting in a decision in favor of plaintiff. The September 27, 2005 opinion and order disposed of post-trial motions. Opinions, July 1, 2005 and September 27, 2005, are supplied. The Pennsylvania Superior Court affirmed the judgment on September 28, 2006.

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6. *Kendall v. Metz*, 2006 WL 4756475 (Pa. Com. Pl. May 23, 2006), 2006 WL 4756476 (Pa. Com. Pl. Jun. 15, 2006), and 2006 WL 4756477 (Pa. Com. Pl. Jun. 21, 2006); *aff'd in part, rev'd in part*, 944 A.2d 810 (Pa. Super. Ct. Nov. 9, 2007).

This case involved dissolution of an accounting partnership and interference with business relations and breach of contract claims between business partners, valuation of the business and capital accounts, and determination of damages. The evidence was complex as regards business valuation and valuation of the partners' respective capital accounts. Two unpublished post-trial decisions from August 28, 2006 are supplied. The non-jury decision was appealed; valuation for the capital account of one of the partners was remanded in an unpublished opinion by the Superior Court. The case has settled.

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7. *Lipinski v. Beazer East Inc.*, 76 Pa. D&C 4th 479 (Pa. Com. Pl. Oct. 18, 2005), *aff'd*, 909 A.2d 896 (Pa. Super. Ct. Aug. 2, 2006).

This environmental pollution case encompassed 55 square miles and involved numerous corporate and individual defendants and hundreds of plaintiff property owners in the affected geographic area. Preliminary objections raised issues concerning private citizens' standing to bring suits under

Pennsylvania's Hazardous Site Clean-Up Act, the types of relief available to private citizens, and the impact of third-party private citizen suits upon other private citizens' rights to sue. Opinion supplied. In addition, the case involved a class qualification decision, dated October 18, 2005, in which I denied class status. Plaintiffs appealed, and the Superior Court affirmed. Thereafter, all plaintiffs' claims had to be processed individually. I had full responsibility for these cases. Over time, with status conferences, common case issues were categorized, and the cases were scheduled for trials in order to maximize efficiency and minimize expenses for all. All cases resolved within a reasonable period of time, some by dismissal and some by settlement.

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8. *Reott v. Asia Trend, Inc.*, 2009 WL 7165842 (Pa. Com. Pl. Aug. 21, 2009) & 2009 WL 7165841 (Pa. Com. Pl. Dec. 14, 2009), *rev'd and remanded*, 7 A.3d 830 (Pa. Super. Ct. Sept. 21, 2010), *aff'd*, 55 A.3d 1088 (Pa. Nov. 26, 2012).

This products liability case involved many decisions throughout case development and trial. International defendants, commercial issues, products liability, the Uniform Commercial Code and punitive damages were at issue. My unpublished decisions, dated September 16, 2008, March 2, 2009, and December 14, 2009, are supplied. Plaintiffs' comparative negligence, misuse of product and failure to follow instructions were the subjects of pre-trial rulings. Trial rulings on the issues of product misuse / causation and burden of proof were reversed and remanded by Pennsylvania Superior Court, which was affirmed by the Pennsylvania Supreme Court. The case has since settled.

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9. *Sieminski v. NorthEast Transfer Inc.*, Case No. AD 08-12265 (2014).

This was a personal injury case against a trucking company, communications companies, a university, and a power company. Plaintiff was seriously injured when a low hanging overhead wire was snagged by a truck, causing the utility pole to snap and strike the plaintiff, a pedestrian. Several complex legal issues were litigated and decided during the course of this case, including jurisdiction, statute of limitations, contract, government regulations, and immunity. Discovery was also very complex. The case was resolved by settlement, just prior to trial, in 2014. Three decisions, two dated June 12,

2012 and one dated February 2, 2014, are supplied.

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10. *South Butler County School District v. Kusevich Contracting*, Case No. AD 10-11484 (2013).

This was a breach of contract construction case. The parties included the school district, the contractor, sub-contractor, architect designer and construction supervisor, and bonding company. There were claims and cross-claims and requests for indemnification. The procedural and substantive issues were challenging and complex. Many decisions were entered. A February 27, 2013, opinion concerned the legal sufficiency of indemnity crossclaims. Opinion supplied. The case settled prior to trial.

Plaintiff's Counsel:

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Baptiste v. Stroebel*, 2009 WL 3793590 (Pa. Com. Pl. Nov. 5, 2009).

Plaintiff's Counsel:

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2. *Boros v. Franz*, Case No. AD 06-10510; *Selective Insurance v. Boros*, Case No. AD 06-10883; *Edmonds v. Franz*, Case No. AD 06-11163; *Selective Insurance v. Edmonds*, Case No. AD 06-11492. Summary judgment decisions, dated June 3, 2008 and June 10, 2008, are supplied.

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3. *Butler Area School District v. Campbell*; Case No. MsD 11-40154. Opinion, dated December 30, 2011, is supplied.

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Defense Counsel:

Simon Campbell
Pro se

4. *Chicora Commons v. Chicora Borough*, Case No. AD 99-11065, *aff'd*, 922 A.2d 986 (Pa. Commw. Ct. Apr. 27, 2007). Non-jury decision, February 10, 2006, and post-trial opinion, May 11, 2006, are supplied.

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Defense Counsel:

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5. *Groner v. Kasmoch v. Independent Mountain Men of Pennsylvania, Inc.*, Case No. AD 09-12284, *aff'd*, 98 A.3d 746 (Pa. Commw. Ct. Aug. 27, 2004), *rev. denied*, 2015 Pa. LEXIS 583 (Pa. Mar. 18, 2015). Exceptions to Board of View decision, dated July 24, 2012, is supplied.

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6. *Iqbal v. Butler Health System*, Case No. AD 06-10852. Preliminary objections and motion for summary judgment decisions, dated June 26, 2007, December 20, 2007 and May 3, 2012, are supplied.

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7. *Krebs v. United Refining Co.*, Case No. 97-10236, 2006 WL 5540950 (Pa. Com. Pl. Dec. 5, 2006) & 2007 WL 5090661 (Pa. Com. Pl. Jan. 30, 2007), *rev'd*, 935 A.2d 32 (unpublished), on remand, 2008 WL 7291986 (Pa. Com. Pl. May 29, 2008), *rev'd*, 981 A.2d 945 (unpublished), *rev. denied*, 999 A.2d 1247 (Pa. July 26, 2010).

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8. *Marburger Farm Dairy, Inc. v. Esposito, Inc.*; Case No. AD 04-11419. Opinion, dated December 6, 2010, is supplied.

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9. *Snyder, et ux v. William McIntyre Coal, Oil and Gas*, Case No. AD 09-12334. Opinion, dated March 31, 2010, is supplied.

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10. *Thompson v. Center Township and Dept. of Environmental Protection*; Case No. AD 99-10449. Opinions, dated December 28, 2000, are supplied.

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- e. Provide a list of all cases in which certiorari was requested or granted.

There have been no requests for certiorari for any of the cases which I have decided.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Appeal of Bennett v. Slippery Rock School District; MSD 06-40031: appeal filed April 5, 2006. This case involved my reversal of a school suspension. The appellate court reversed my decision, ruling the school district established sufficient facts to support the school district's suspension. 906 A.2d 674 (Pa. Cmwlth. 2006). My opinions are supplied.

Banks v. Security v. Guardian; AD 99-11112: appeal filed October 28, 2005, 1879 WDA 2005, and appeal filed December 29, 2009, 67 WDA 2010. This case involved an issue of gist of the action with two causes of action filed—negligence and breach of contract. I raised the issue of the difficulty of proceeding on both claims, given the gist of the action doctrine. This issue was raised just before trial was to begin and after all parties submitted points for charge that included both theories for recovery. The appellate court held that the issue was not proper for the trial court to raise. The appeal also concerned summary judgment rulings on scope of contractual limitations of liability provisions. The Superior Court ruled

that jury questions were presented. The second appeal followed a bifurcated trial and my grant of a non-suit on some claims. The Superior Court reversed and remanded. My opinions and the appellate opinions are supplied.

Commonwealth v. Bergbigler, CA 154 of 2004: appeal filed October 15, 2004. This was an appeal of my order denying the defendant's request to withdraw his guilty plea to retail theft. On appeal, the Superior Court reversed, and the defendant was permitted to withdraw his plea. My opinion is supplied.

Commonwealth v. Carlson; CA 1535 of 1996: appeal date April 2, 1997. This was a DUI case for charges brought by a state game warden for an arrest made within state game lands. The defense filed an omnibus motion to suppress evidence from the arrest, citing that there was not sufficient probable cause for the arrest and that the officer, a game warden, did not have authority for the stop. I held that there was authority and that there was probable cause for the arrest. The defense appealed, and the omnibus ruling was reversed. The court held that there was not sufficient probable cause for the arrest, and that the evidence should have been suppressed. 705 A.2d 468 (Super. Ct. 1998). I was unable to obtain a copy of my opinion from the clerk's office.

Commonwealth v. Curry; CA 162 of 1997: appeal filed June 6, 1997. This case involved a summary conviction for disorderly conduct. The defendant, 17 years old, was disruptive at a local shopping mall. My decision was appealed, and the Superior Court reversed. My opinion and the appellate opinion are supplied.

Commonwealth v. Haugh, CA 440 of 2003: appeal filed July 15, 2003. This was an appeal of a suppression of blood alcohol evidence based upon a traffic stop that lacked probable cause. The Superior Court reversed, holding the evidence of probable cause was sufficient such that the blood alcohol evidence was admissible in a DUI case. My opinions and the appellate opinion are supplied.

Commonwealth v. Luna, CA 1301 of 2002: appeal filed June 10, 2003. The appellate court reversed in part on an issue of sentencing involving merger of offenses for several counts of rape and related offenses. My opinion and the appellate opinion are supplied.

Commonwealth v. Molczan, SA 97 of 2000: appeal filed October 12, 2000. This case was a summary court hearing wherein the Township pursued defendant, a retired state trooper, for violating the township burning ordinance. I found a violation of the ordinance; the Superior Court reversed in an unpublished opinion. The appellate opinion is supplied. I was unable to obtain a copy of my opinion from the clerk's office.

Commonwealth v. Opperman, CA 124 of 1999: appeal filed October 16, 2000. Defendant pled guilty to driving under the influence (DUI) and homicide by vehicle while DUI. I sentenced him to consecutive periods of incarceration and

ordered him to pay restitution to the victim's estate. The Superior Court reversed and remanded, holding the sentence for DUI merged with the sentence for homicide by vehicle while DUI, and that an insurer who pays out under a policy is not a "victim" for purposes of triggering restitution payments by statute. 780 A.2d 714 (Pa. Super. Ct. 2001). I was unable to obtain a copy of my opinion from the clerk's office.

Cranberry Park v. Cranberry Twp. Zoning Board; AD 95-10845: appeal filed July 1, 1997. This was a consolidation of several zoning appeals from decisions of the Cranberry Township Zoning Hearing Board. I affirmed the decisions. The Commonwealth Court affirmed in an unpublished opinion, 1752 CD 97, 718 A.2d 412 (June 25, 1998), and the Pennsylvania Supreme Court reversed, 751 A.2d 165 (Pa. 2000). I was unable to obtain a copy of my opinion from the clerk's office.

Dillon McCandless King Coulter & Graham v. Rupert, 1573 WDA 2012, 2012 WL 9500582 (Sept. 25, 2012) & 2012 WL 9500577 (Oct. 30, 2012). This case is a declaratory judgment case, filed in Butler County. A civil action, involving the same parties, was subsequently filed in Allegheny County. I held the Allegheny County case was to coordinate to Butler County. Defendant appealed. The Superior Court reversed. 81 A.3d 912 (Pa. Super. Ct. 2013). The cases are now proceeding independently in Butler and Allegheny County, respectively.

Fennell v. Fennell; DRS 22346: appeal filed July 21, 1999. This case involved a support determination for a man who was an employee and part owner of a family business. Earning ability and calculation of retained earnings as income were at issue. The Superior Court reversed my decision to include business retained earnings as an item of income for purposes of calculating support. 753 A.2d 866 (Pa. Super. 2000). My opinion is supplied.

Jeschke v. North Park Lounge; AD 05-11253; appeal filed April 7, 2006. The issue in this slip and fall case was whether an amendment to the complaint after the statute of limitations had passed was permissible. I ruled the original complaint did not encompass a negligence cause of action, thus the amendment was not permitted. The Superior Court ruled that the original pleading was broad enough in its allegations to permit the amendment. My opinion and the appellate decision are supplied.

Judd v. Dumbaugh; AD 02-11083; appeal filed August 26, 2005. This was an appeal of the grant of summary judgment dismissing a plaintiff's case. A prior judge had issued a sanction order against plaintiff to preclude expert evidence because of multiple violations of discovery orders directing the plaintiff to produce evidence and expert reports. Without the admissibility of such evidence, plaintiff could not prove his case. The Superior Court reversed the grant of summary judgment, because it also reversed the prior judge's sanction order. My opinions and the appellate decision are supplied.

Kendall v. Metz, AD 00-11156, 2006 WL 4756475 (Pa. Com. Pl. May 23, 2006), 2006 WL 4756476 (Pa. Com. Pl. Jun. 15, 2006), and 2006 WL 4756477 (Pa. Com. Pl. Jun. 21, 2006). This case involved a breach of contract, dissolution of an accounting partnership, interference with business relations claim between business partners, valuation of the business and capital accounts, and determination of damages. The evidence was complex, as regards business valuation and valuation of the partners' respective capital accounts. The non-jury decision was appealed, July 19, 2006. Valuation for the capital account of one of the partners was remanded. 944 A.2d 810 (Pa. Super. Ct. Nov. 9, 2007). Two unpublished opinions were previously supplied in response to Q13c.

Krebs v. United Refining Co., AD 97-10236, 2006 WL 5540950 (Pa. Com. Pl. Dec. 5, 2006); 2007 WL 5090661 (Pa. Com. Pl. Jan. 30, 2007) & 2008 WL 7291986 (Pa. Com. Pl. May 29, 2008). This case involved an Underground Storage Tank legislation claim. It was tried by a different judge to a jury verdict. The issue before me was the determination of reasonable costs and attorney fees. I decided the issue twice. Both were appealed and reversed and remanded. The method for calculating reasonable attorney fees under the legislation was the issue. The appellate opinions are supplied.

Lancaster Township v. The Zoning Hearing Board of Lancaster Township, AD 09-10770, 6 A.3d 1032 (Pa. Cmwlth. 2010). This was an appeal from a zoning hearing board's decision to allow a storage garage to remain as built, as a permitted use under the zoning ordinance. The Township appealed. I upheld the zoning hearing board's decision, and the Commonwealth Court reversed, finding that the proposed use was prohibited under the Township's zoning ordinance. My opinion is supplied.

Mashuda Graphics v Safetee Medical Corp.; AD 95-11002: appeal filed August 15, 1996. This was a decision about perfection of a magisterial district court appeal and timelines for filing. The Superior Court reversed my ruling of untimeliness. The appellate decision is supplied. I was unable to obtain a copy of my opinion from the clerk's office.

Mon Valley Travel, Inc. v. Morgan Management Co.; EQ 94-50011: appeal filed August 23, 1996. This was an appeal of a decision by a judge who had retired from the bench. Upon assignment of the case to me, upon request of counsel, I certified the judge's order as final to permit them to file an interlocutory appeal. The Superior Court reversed the judge's order. The appellate decision is supplied. I was unable to obtain a copy of my opinion from the clerk's office.

Noel v. First Financial Bank, AD 02-10669, 855 A.2d 90 (Pa. Super. 2004). This was a case brought by a mortgagor, seeking damages under the Mortgage Satisfaction Law because the mortgagee failed to satisfy their mortgage after payment. The issue involved standing in the case where the mortgagor suffered no actual damages by the failure to satisfy. I ruled that, absent damages, there was no

standing. The Superior Court reversed, holding that the statutory penalty was available, notwithstanding no proof of damages. My opinion is supplied.

PMF Rentals v. Lally, Lally & Co.; AD 07-10735; appeal filed April 1, 2008. Plaintiff claimed damages against a law firm and accounting firm citing conflict of interest, regarding valuation of a business in related litigation, and failure to disclose a relationship between the two firms. The related litigation was not yet concluded, thus I held that the cause of action in the case before me was not yet ripe for filing. The Superior Court reversed and remanded on November 24, 2009. The Superior Court also denied appellee's request for reconsideration on February 5, 2010, and the Pennsylvania Supreme Court denied review. My opinion and the appellate opinion are supplied.

Reott v. Asia Trends; AD 06-11440, 2009 WL 7165842 (Pa. Com. Pl. Aug. 21, 2009) & 2009 WL 7165841 (Pa. Com. Pl. Dec. 14, 2009). This case, a products liability case, involved many decisions throughout case development and trial. International defendants, commercial issues, products liability, the Uniform Commercial Code, and punitive damages were at issue. Plaintiff's comparative negligence, misuse of product and failure to follow instructions were the subjects of pre-trial rulings. Trial rulings on the issues of product misuse / causation and burden of proof were reversed and remanded by the Superior Court and affirmed by the Pennsylvania Supreme Court. 7 A.3d 830 (Pa. Super. Ct. 2010); 55 A.3d 1088 (Pa. 2012).

Thomas v. Twp. of Cherry; AD 97-10360; appeal filed April 27, 1998. This was an appeal of my decision concerning violations of the Sunshine Act and whether individual township officials were subject to personal liability for violations. I sustained the Township's preliminary objections, and the plaintiff appealed. The Commonwealth Court reversed. 772 A.2d 1150 (Pa. Cmwlth. 1999). My opinion is supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I have issued hundreds and hundreds of opinions; very few have been published in official reporters. The opinions are maintained as a matter of public record in each case file for which the opinion was issued.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Butler Area School District v. Campbell, Case No. MsD 11-40154. Decision previously supplied in response to Q13d.

Commonwealth v. Zmijowski, No. CA 1472 (May 19, 2003). Decision previously

supplied in response to Q13c.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I base recusal decisions upon the principles set forth in the Code of Judicial Conduct. Our court does not have an automatic system for recusal. Where I have familiarity or involvement (past or present) with parties or issues, I immediately disclose the information to counsel as soon as I am aware of the case assignment, or as soon as any issue arises to trigger a need to disclose. I usually disclose in writing to all counsel or pro se parties. Then, when the case and counsel or pro se parties are before me, I ask if there are any questions or objections to my presiding. If there are no concerns raised, and if the issue is a discretionary recusal matter, and if I feel my judgment is not impaired by the issue and there is no undue appearance of impropriety, I continue to preside. If there is a question raised and any party asks me to recuse, I usually recuse and the case is reassigned. In cases of clear duty to recuse, I do so by order with explanation within the order. I have not kept records of recusals for the 19 years that I have been on the bench, but I have kept records of my recusals since 2005. Those cases where recusal was an issue include the following:

Bandura v. Sankey; AD 14-10233; Recusal was granted following my disclosure that the plaintiff had been a client of mine during my legal practice. Order issued September 18, 2014.

Banks v. Security v. Guardian; AD 99-11112; Recusal was requested by motion following the reversal of my rulings by the Superior Court and remand. The plaintiff maintained that I should recuse because I had raised an issue sua sponte at the time of trial, and the Superior Court ruled I erred. Following argument on the motion, I concluded there was no issue that merited a recusal, and I denied the motion. Subsequently, after a second appeal at the conclusion of trial, wherein some of my rulings were reversed, plaintiff again asked me to recuse. In the interest of keeping the case focused on the issues, I granted recusal.

Beck v. Butler Anesthesia; AD 08-10130. This case involved a request for leave to amend a complaint to raise a new claim for recovery. The issue was whether the statute of limitations and the discovery rule barred such claim. Preliminary rulings were against the plaintiff, although additional discovery was permitted to develop facts germane to the discovery rule. During this time, the plaintiff filed a motion for recusal, asserting that because the plaintiff, during my retention election (2006) cycle, had supported the statewide campaign to vote all retention judges out of office, there was a conflict for me to preside. He requested case reassignment. His motion to recuse was filed after the retention election was over. Following argument, I concluded that the plaintiff had every right to support or not support any candidate or issue. I was not in any way affected by his pre-election position, nor was I ever aware of it until the motion was filed, post-election. Thus, I concluded that it had no direct or indirect impact on me. Also, since I was retained for ten years, there was no ongoing concern that I could not be unbiased in continuing to preside over the case. I fully explained my position on the record and I issued an order denying the motion. The plaintiff appealed my subsequent decision on summary judgment, but he did not raise the recusal issue. The Superior Court affirmed.

Brunken v. Ligo; AD 13-11092; Recusal was granted upon request following my disclosure that the defendant in the case was a neighbor and personal friend. I also disclosed that I had previously recused on another case involving the same defendant. Order issued September 17, 2014.

Delano v. Orthopedic Associates; AD 07-11379; I recused upon request following my disclosure that the defendant doctor's office was my and my family's treating doctor's office and that the doctors and my family maintained social friendships. Order issued November 7, 2007.

Ealy v. Walters; AD 13-10817; Recusal was granted upon request following my disclosure that the defendant physician, Dr. Walters, had previously treated me and other members of my family. Order issued April 16, 2014.

Furniture Galleries v. Capello; AD 03-10355; I recused upon request following my disclosure that the defendants were friends of mine and my husband. Order issued February 16, 2005.

Fusko v. Riemer; AD 11-10714; I granted recusal upon request when my former law clerk began employment with counsel for one of the parties.

Gallagher v. Poecking; 10-10479: I recused upon request following disclosure of a close relationship with a party through our children and school and church events.

Herold v. Grover, MD; AD 11-10063: I granted recusal upon request following disclosure that some defendants in the medical malpractice case had treated members of my family.

Krebs v. United Refining Co.; AD 97-10236: The plaintiff asked the appellate court as a part of their appeal to direct that the case be reassigned to another judge because I had ruled against their position. Although the appellate court reversed my decision, it held reassignment was not appropriate. Counsel never filed any motion asking me to recuse.

Lampus v. Lampus; FC# 07-90326: I recused sua sponte when a prior law associate, good friend and next door neighbor became counsel of record for a party. The case was reassigned by court order in September 2008 to avoid any appearance of impropriety.

Lewis v. Lewis; AD 10-90028: Recusal was granted upon request following disclosure that I had many professional dealings with one of the parties, who was a psychologist for custody cases in the county.

Ligo Architects v. Redevelopment Authority; AD 08-70121: I granted recusal upon request after my disclosure of a personal and professional relationship with the owner of the plaintiff. Order issued October 8, 2008.

Matthews v. Butler Hospital; AD 00-11152: Recusal upon request was granted following my disclosure that one of the defendant doctors was a treating physician for my mother and that he and his family were friends of my family. Order issued January 25, 2005.

McCall v. Butler Health System; AD 13-11187; I granted recusal upon request after my disclosure that my daughter, who was a nursing student at that time, worked on a part-time, casual basis during her school breaks as a nurses' aide at the defendant hospital during the summers of 2012 and 2013. Order issued May 8, 2014.

McCandless v Yost; 10-10435: I granted recusal upon request following disclosure that some defendants in the medical malpractice case had treated me and members of my family.

McDanel v. Gatto; AD 06-11695; I granted recusal upon request following my disclosure that my son worked part time while he was in high school for the defendant. Order issued June 18, 2007.

Meridian Little League v. Kowalkowski; AD 08-12243: Recusal issued upon request of the pro-se defendant after I disclosed in open court that my daughter played softball for a team in the area and she occasionally played ball at the field where the land right-of-way was located, and that I was a member of the church, which owned the access road to the

disputed right of way. Order issued November 7, 2008.

Montgomery v. Cypher; AD 05-10660: I granted recusal upon request following my disclosure that the defendant was my treating doctor and a social acquaintance. Order issued August 25, 2005.

Muscatello v. Stepanian; AD 11-10019: Recusal granted upon request following disclosure that I had close relationships with all sides of the case. The litigation involved lawyers and splitting up of a law firm.

Olson v. Wimer; AD 13-11044: Recusal granted upon request following my disclosure that a party, who was a relative of a personal friend of mine, mentioned the case issues during a social conversation at a time when I was not aware that the case had been filed or was assigned to me. Although the discussion was very inconsequential to the issues in the case, when I realized the case was assigned to me, I immediately disclosed the conversation to counsel at their first appearance before me. Order issued November 10, 2014.

Parshall v. Orthopedic Associates; AD 08-10706: Recusal upon request was granted following my disclosure that the defendant doctor office was my and my family's treating doctor's office and that the doctors and my family maintained social friendships. Order issued August 6, 2008.

Schrecengost v. Advanced OBGyn Assoc.; AD# 08-11089: I granted recusal upon request following my disclosure that the defendant doctor office was my treating doctor's office. Order issued September 5, 2008.

Selfspot Inc v. Butler Co YMCA; AD 00-50002: I granted recusal after plaintiff's motion and hearing asserting conflict because my family maintained a membership at the YMCA. The tax exempt status of the YMCA was involved in the case. Plaintiff requested all county judges be recused and that an outside judge hear the case. This was what our president judge eventually ordered.

Simpson v. Harold Friedman Inc; AD 09-10257: I granted recusal upon request after I disclosed that my father-in-law's business was the landlord for the defendant's business office. Order issued April 29, 2009.

Standard Bent Glass v. IbisTek; AD 09-10218: I recused upon request after I disclosed that I had a close friendship with the ex-wife of the owner of the plaintiff and that the son of the two was employed by the plaintiff. Order issued in May 2009.

Stark v. Food Fusion; AD 05-11319: I granted recusal upon request following my disclosure that my children were classmates of children of both plaintiff and defendant. Order issued in January 2006.

Vogel Disposal v. National City Bank; AD 05-40090: I recused after a motion by the

plaintiff after I ordered a default judgment stricken. Counsel argued I was not able to be unbiased after issuing the first order. Following hearing, I recused in the interests of keeping the case focused on the merits of the case. Order issued June 23, 2006.

Warner v. Raisley; AD 12-21831 & 12-21794: Recusal granted upon request, following my disclosure that my husband knew the parties through his business relationships.

Warren v. Depasque; AD 08-12487: I recused sua sponte because I represented the owner of the plaintiff business in the past. Order issued August 12, 2009.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held any public office or participated in any political activities other than those involved with my judicial office. In 2002, I pursued a state Republican Party endorsement for a Superior Court candidacy; however, I did not receive the endorsement and did not run for the office in that election. I served on the Juvenile Court Judges Commission from 1997 to 2005, by appointment of then-Pennsylvania Supreme Court Chief Justice John Flaherty. I served on the Judicial Conduct Board from 2000 to 2004, by appointment of then-Pennsylvania Governor Thomas Ridge.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never served in any capacity for any political party or political campaign other than my own personal judicial campaigns.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a law clerk for any judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1979 – 1986

Murrin, Taylor, Flach and Horan (formerly Murrin, Murrin & Taylor)

110 East Diamond Street

Butler, Pennsylvania 16001

Associate Attorney (1979 – 1982)

Law Firm Partner (1982 – 1996)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I did not serve as a mediator or arbitrator in alternative dispute resolution during my law career. I have frequently facilitated settlements for many cases during my judicial career.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My law practice included general civil, family law, estates and estate planning, small business, real estate and administrative cases. I maintained an active, full-time practice from 1979 through my judicial appointment in June of 1996.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients were individuals from various occupations and socio-economic circumstances. Business clients were primarily involved in small businesses. I did not specialize in any one specific area of law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

During my 19-year legal career, I was involved in judicial proceedings almost daily. Most of my litigation was in the areas of family and civil law. I was also

before the federal court and hearing officers for bankruptcy and social security cases. Other areas of practice included business law, estates and estate planning, real estate and administrative law issues.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 5% |
| 2. state courts of record: | 75% |
| 3. other courts: | 5% |
| 4. administrative agencies: | 15% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have no way to calculate the number of court cases I handled before the courts and administrative law judges. Those records are no longer available. I had an extremely active and successful law practice. I was constantly in court representing clients in the types of cases I have outlined above. I was usually the sole attorney representing my clients; I rarely worked with co-counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 1% |
| 2. non-jury: | 99% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I never had the privilege of practicing before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Baumgart v. Baumgart* (Butler County approximately 1985).

I represented the plaintiff in this civil trespass action in a boundary dispute between brothers over commercial and residential property. The case involved survey disputes, parol evidence issues, and unpleasant family conflicts. Client control was a challenge for both attorneys. The matter was tried non-jury, but before decision was issued, the judge died suddenly. Therefore, a new trial had to occur before another judge. We were successful in the ultimate decision. Due to the age of this case, there are no court records on site and all records from my law practice from that time frame have been destroyed.

Opposing counsel:

William C. Robinson (deceased)

2. *Baumgart v. Workmen's Compensation Appeal Board*, 541 A.2d 804 (Pa. Commw. 1987).

I represented the plaintiff in this workers' compensation case for a factory worker, who sustained a back injury. The employer sought to modify his disability from total to partial, based upon a referral for the worker to apply with another company for available, suitable work. The employer gave him the wrong referral name for application. We appealed the Workmen's Compensation Appeal Board's decision to modify benefits, arguing that absent having been informed of the proper employer, who had an available position, the worker could not have his benefits modified. The Commonwealth court agreed and reversed the Board's decision.

Opposing counsel:

Roy F. Walters (retired)
Fried, Kane, Walters & Zuschlag

3. *Cady v. Weber*, 464 A.2d 423 (Pa. Super. 1983) & 469 A.2d 1128 (Pa. Super. 1983).

This custody case involved two appeals to the Superior Court following Common Pleas Court rulings that awarded custody of two minor children to my client, the natural mother. The children had been in the custody of their maternal grandparents; however, the mother sought a return of custody, arguing that she had resolved issues in her life to the point where she could best provide for the children as their primary custodian. The Superior Court affirmed the transfer of custody to my client.

Opposing counsel:

Robert F. Hawk
Solo Practitioner
122 Thornwood Road
Butler, Pennsylvania 16001
724-285-4751

4. *Goss v. Timblin*, 622 A.2d 347 (Pa. Super. 1993).

This case involved a defense to a mother's claim for college education expenses for my client's son. The parties' agreement imposed an obligation for college support. The issue on appeal was the proper calculation of the father's college support obligation, in relation to the son's education expenses and the mother's income and expense for the son while he lived with the mother. The appellate court reversed and remanded for the lower court to recalculate the father's obligation.

Opposing counsel:

Mary Jo Dillon
Dillon, McCandless, King, Coulter & Graham
128 West Cunningham Street
Butler, Pennsylvania 16001
724-283-2200

5. *Lewis v. Merchants National Bank of Kittanning*, 7 Pa. D. & C.4th 246 (Pa.Com. Pl. 1988).

This case involved an appeal from a magisterial district court judgment, which was filed beyond the 30-day appeal period. I filed on behalf of my client, the plaintiff, a motion to strike the appeal. The defense filed for leave to appeal nunc pro tunc, arguing the Prothonotary's rejection of his timely appeal, based upon insufficient filing fee, constituted a breakdown in the system supporting his requested relief. The Common Pleas Court ruled in favor of my client and struck the appeal.

Opposing counsel:

Bradley K. Hellein
Solo Practitioner
217 Market Street, # 24
Kittanning, Pennsylvania 16201
724-548-2479

6. *Patten v. Vose*, 590 A.2d 1307 (Pa. Super. 1991).

My client, the plaintiff, filed a support enforcement action to collect support arrearages from the defendant. The arrearages had accrued and remained unpaid for 23 years. My client sought to enforce the arrearages against an estate inheritance that the defendant was scheduled to receive. The defendant argued that, based upon the passage of time, the doctrine of laches should apply to prevent her collection of the arrears. The Common Pleas Court ruled in favor of my client, and the Superior Court affirmed.

Opposing counsel:

Mary Jo Dillon
Dillon, McCandless, King, Coulter & Graham
128 West Cunningham Street
Butler, Pennsylvania 16001
724-283-2200

7. *In the Matter of Schnur Enterprises, Inc.*, 42 B.R. 202 (Bkrtcy. Pa. 1984).

In this case, I represented a commercial landlord who sought to terminate a tenant's lease, arguing a failure to renew pursuant to terms of the lease. The tenant was in Bankruptcy Court, and we filed for relief from stay to evict the tenant. The Bankruptcy Court held that the conduct of the parties during renewal negotiations supported the conclusion that the lease was renewed; therefore, the landlord's motion was denied.

Opposing counsel:

Kenneth D. Perkins
Perkins LLC
409 Broad Street
Sewickley, Pennsylvania 15143
412-741-2101

8. *Jenkins v. Jenkins* (Butler County approximately 1984).

This was a family law case from Butler County, in which I represented the plaintiff mother. The parties were in a common law marriage arrangement, and they had a young daughter. The divorce was complicated due to the common law marriage issues, and custody issues were very contentious. The father kidnapped the child during a visitation period and took her to England. I had to locate and work with counsel in England and coordinate with the United States Department of State and the United States consulate in England in order to secure the child and to obtain her return to her mother and the United States. Due to the age of this case, there are no court records on site and all records from my law practice from that time frame have been destroyed. I do not recall the identity of opposing counsel, and the defendant also often proceeded pro se.

9. *Stevens v. Grove City Hospital* (Mercer County, late 1980s).

I represented Plaintiff in this medical malpractice action filed following the death of plaintiff's husband. He suffered a massive heart attack within hours after he was treated and released from the hospital with complaints symptomatic of a heart attack. Expert witness testimony was developed on both sides, and this case was litigated to a jury verdict. The verdict was in favor of the defense. Lead counsel and I tried this case together, as this was my first civil malpractice case.

Lead counsel:

William D. Kemper
Solo Practitioner
209 West Diamond Street
Butler, Pennsylvania 16001
724-282-0046

10. *Stroup v. Stroup* (Butler County late 1980s).

This was a family law case, which involved a divorce proceeding while the wife/mother was pregnant. I represented the husband/father. He did not want the divorce and he very much wanted to be involved with the baby. She refused to keep him informed about the progress of her pregnancy and she refused to grant permission for him to arrange for access to see or be with the baby at the hospital. We filed with the divorce court to pursue the right to visit with the child following its birth. The common pleas court denied any relief, citing a lack of standing to pursue custody rights before the child was born. Then, when the child was less than a year old, the mother moved, without notice, to another state. We litigated, without success, to have her return to the Butler area. Thereafter, we attempted to have Butler County retain jurisdiction, however, such was denied. Appeal of the issue was not successful. Due to the age of this case, there are no court records on site and all records from my law practice from that time frame have been destroyed.

Opposing Counsel:

Norman D. Jaffe
Jaffe & Kecskemethy, P.C.
101 East Diamond Street, Suite 204
Butler, Pennsylvania 16001
724-285-4791

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe

the lobbying activities you performed on behalf of such client(s) or organizations(s).
(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My legal activities during my career as a lawyer were client-specific representation on a case-by-case basis in the areas of civil, family, administrative, small business and estate law. I was very active with local bar association activities, especially in areas of pro bono work and mentoring of younger attorneys. I was always willing to assist the court any time I was called upon to serve the needs of litigants or the court. During my legal career, I served the family court in areas of administration and planning. I continued to serve in liaison capacities with the Butler County Bar Association for all divisions of the court after I became a judge.

As a judge, I have worked in all areas of this court's jurisdiction to make our court more efficient. I have collaborated with various offices and members of the bar to streamline jury processes for our county, family court administration, civil court, tax sale processes, case management, both criminal and civil, and I have managed the asbestos docket throughout my tenure. My dockets are, and have always been, current. My judicial management style has earned the respect of the bar members, who have appeared before me over the past 19 years. This has provided an extremely high level of performance within my court room and throughout our Butler County court system.

I have also served the Commonwealth through my participation on many boards and committees. I have positively contributed to the judiciary and Pennsylvania citizens through my service on the Judicial Conduct Board. During my term as Board Chair, I personally travelled to each county within the state to speak with all judges about the Judicial Conduct Board and to educate judges about avoiding ethical violations. I also have worked to develop programming to educate state judges during my years as a member of the State Trial Judges' education committee. All of these activities have been voluntary and in addition to meeting my county judicial responsibilities.

I never participated in lobbying activities, either as an attorney or as a judge.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no other sources or expectations of deferred income or future benefits from previous business relationships, professional services, firm memberships, former employers, clients or customers. My only future employment benefits will derive from my judicial service through the Administrative Office of Pennsylvania Courts, Deferred Compensation Plan and pension benefits from the State Employees Retirement System.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments or agreements to pursue outside employment, with or without compensation, during my service with the federal court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached financial disclosure report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached statement of net worth.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I anticipate no bases for any conflict of interest that would impact my service on the federal bench. In the event any organizations that I have been affiliated with should become involved in litigation before me, I would need to disclose and consider whether recusal is appropriate. If so, I would recuse, or if requested to recuse, I would most likely recuse myself.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In resolving any conflicts of interest, I would consult the Code of Conduct for United States Judges, as well as other relevant authority.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my legal practice career from 1979 to 1996, I regularly performed pro bono work for underprivileged clients. I always participated in our Bar Association and Neighborhood Legal Services programs for pro bono representation. I also provided pro bono services for those who were referred to me by the court.

During my judicial career, I have worked with the Bar Association and Neighborhood Legal Services to assist with the development and maintenance of programs for disadvantaged. Programs to provide representation and education for the Bar and the public have been implemented to facilitate equal access to justice. Some of the programs created to serve the community include: family court educational programs, SMILE (Start Making It Livable for Everyone), Parents Forever, Credit Conciliation Program, Criminal Justice Advisory Board programming, Introduction to Lawyering in the Court of Common Pleas, and Coffee with the Bar, where pro bono services are encouraged. I have also worked with many community organizations that serve disadvantaged members of our community.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted my initial application and questionnaire to the selection committee for Senators Toomey and Casey in August 2013. I was subsequently interviewed by the committee in Pittsburgh in the fall of 2013. I spoke with Senator Toomey's staff on several occasions concerning my application, my qualifications, and the appointment process generally. I was interviewed by Senator Toomey in January 2014 in Washington, D.C. I was interviewed by Senator Casey and his staff in March 2015. I next received communication from Senator Toomey's staff advising that my name had been submitted for White House consideration and potential nomination. Since April 22, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 22, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On July 30, 2015, the President

submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.